IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 1090 of 2007(D)

PETITIONER:

VINOD KUMAR KANNOTH,
S/O.V. KUNHIRAMAN, KANNOTH HOUSE,
CHERUNATHUR, KASARAGOD.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS:
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1. KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY,
PATTOM, TRIVANDRUM.

2. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
KASARAGOD.

BY ADV. SRI. ALEXANDER THOMAS SC FOR PSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 1090/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RELEVANT PAGES OF SSLC CERTIFICATE OF PETITIONER.

EXT.P2. COPY OF THE CERTIFICATE SRI. NO. M. 029352 BY THE BOARD OD TECHNICAL EXAMINATION, GOVT. OF KERALA.

EXT.P3. COPY OF THE CERTIFICATE E. NO. 005894 DT. 20/2/87 BY THE BOARD OF TEC. EXAMINATION, GOVT. OF KERALA.

EXT.P4. COPY OF THE CERTIFICTE DT. 4/5/93 BY SWAMI NITYANANDA POLYTECHNIC, KANHANAGAD.

EXT.P5. COPY OF THE PSC BULLETIN DT. 1/1/2006.

EXT.P6. COPY OF THE GOVT. ORDER GO P NO. 19/04/P^ARD DT. 8/12/04.

EXT.P7. COPY OF THE KGD 111(4)44/666/06/LDT DT. 16/12/2006 OF THE R2 ISSUED TO THE PETITIONER.

EXT.P8. COPY OF THE LETTER NO. KGD III(4)44/666/06/LDT DT. 23/12/06 OF THE R2 TO THE PETITIONER DIRECTING HIM TO PRODUCE CERTIFICATE FOR PASSING 3 MOTHS COURSE IN COMPUTER WORD PROCESSING.

EXT.P9. COPY OF THE PETITIONER'S REPRESENTATION DT. 27/12/2006 TO THE R2.

EXT.P10. COPY OF THE ORDER NO. KGD III(4)/4666/06/LDT/192 DT.1/09/07 BY THE R2.

RESPONDENT'S EXHIBITS **NIL.**

True copy

tga

V.GIRI, J.

W.P.(C).No.1090 of 2007 D

Dated this the 30th day of October, 2007.

JUDGMENT

Petitioner applied for the post of L.D.Typist in various departments pursuant to the notification issued by the Public Service Commission as per Ext.P5. One of the prescribed qualifications is Typewriting English (L) K.G.T.E. and Computer Word Processing. Admittedly, the petitioner does not have the prescribed qualification. In fact, computer word processing possessed by the petitioner is relatable to Ext.P4, which is a certificate issued by the Community Polytechnic scheme, under which the course was offered by one Swami Nithyananda polytechnic. Learned counsel for the petitioner refers to a subsequent notification issued by the Public Service Commission on 30.7.2007 by which the Public Service Commission had declared certain other courses in computer word processing as equivalent qualification. A perusal of the said

notification issued by the Public Service Commission on 30.7.2007, shows that the commission has mentioned a minimum duration of 3 months for a course in computer word processing offered by any governmental agency or University as necessary for the qualification to be treated as equivalent qualification. Ext.P4 will show that the duration of the course undergone by the petitioner was only two months. Therefore, Ext.P4 cannot be considered as an equivalent qualification in terms of the notification issued by the Public Service Commission.

2. Mr.Ramesan Nambisan, learned counsel for the petitioner submits that there is no reason why the duration of the course must be 3 months for being treated as equivalent qualification and if the Commission proceeds in that regard, it is bad in law and arbitrary. I do not agree. It is up to the commission to declare any qualification as equivalent. There cannot be any arbitrariness or illegality in the

commission deciding the minimum duration of the qualification to be treated as equivalent. It is the misfortune of the petitioner that the course undergone by him was only for two months. That does not make the notification illegal.

In the circumstances, the writ petition is bereft of merit and the same is dismissed.

Sd/-
(V.GIRI)
JUDGE

sk/

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